

# State of South Dakota

EIGHTIETH SESSION  
LEGISLATIVE ASSEMBLY, 2005

400L0681

## SENATE BILL NO. 220

Introduced by: The Committee on Agriculture and Natural Resources at the request of the  
Governor

1 FOR AN ACT ENTITLED, An Act to establish the South Dakota Certified beef program.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. This Act shall be cited as the South Dakota Certified Beef Program Act of 2005.

4 Section 2. Only beef products, whether live animals or finished consumer products, which  
5 have been produced by registered participants in full compliance with all the applicable  
6 requirements of this Act may be certified, identified, classified, packaged, labeled, or otherwise  
7 designated for sale inside or outside this state as South Dakota Certified™ Beef.

8 Section 3. The secretary of the Department of Agriculture may establish quality protocols,  
9 guidelines, program requirements, license fees, and license requirements and operate, supervise,  
10 and control the South Dakota Certified beef program.

11 Section 4. The use of any certification mark, trademark, service mark, copyright, or label  
12 of the South Dakota Certified beef program shall be in accordance with the terms and conditions  
13 of a valid license issued by the secretary. A violation of this section is a Class 6 felony.

14 Section 5. Any data or financial information made or received by the secretary of agriculture  
15 pursuant to this Act is not public record and is exempt from the provisions of § 1-27-1.



1 However, the secretary may provide information gathered pursuant to this Act to any  
2 government agency if the information is needed for a government sponsored animal  
3 identification tracking program or for any public health or safety reason.

4 Section 6. The secretary of agriculture may by rule promulgated pursuant to chapter 1-26,  
5 prescribe the following:

- 6 (1) Qualifications or conditions for using any intellectual property right, mark, or label  
7 of the South Dakota Certified beef program;
- 8 (2) Reasonable fees for licenses and services of the program;
- 9 (3) Means and measures to enforce the requirements of the program including license  
10 requirements, license revocation procedures, and pursuing civil remedies which may  
11 include injunctive relief;
- 12 (4) Methods and means of conducting inspections, keeping records, and otherwise  
13 insuring program compliance by participants in the program; and
- 14 (5) Provisions to maintain the confidentiality of business information provided to the  
15 secretary by participants in the program.